

REMARKS

This Amendment is being filed in response to the Final Office Action mailed June 8, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the remarks to follow are respectfully requested.

Claims 1-14 remain in this application, where claims 1 and 7 are independent.

In the Final Office Action, the Examiner noted the absence of a claim of priority in the specification under 35 U.S.C. §119. It is respectfully submitted that the present application claims priority under 35 U.S.C. §119(a)-(d), which is properly claimed in the Declaration, and has been acknowledged on the Filing Receipt. As the claim of priority is not under 35 U.S.C. §119(e) or 35 U.S.C. §120, it is believed that there is no need for a specific reference in the first sentence of the specification. Further, the present application is a national entry under 35 USC 371 of International Application No. PCT/IB2004/051353 (published as WO 2005/015766), and thus there is no need for including in the

specification a reference to this International Application. In addition, the Patent Application Publication (PAP) of the present application, namely, PAP No. 2006/0252370 correctly refers on the cover page to the International Application No. PCT/IB2004/051353, and thus there is no need to include in the specification a reference to this International Application No. PCT/IB2004/051353.

Further, it should be noted that 37 CFR 1.78 is related to "Claiming benefit of earlier filing date and cross-reference to other applications." (Title of 37CFR 1.78, emphasis added) The present application does NOT claim any benefit to any OTHER prior-filed copending nonprovisional application or international applications designating the United States of America. Rather, the present application IS the national entry of the very same International Application No. PCT/IB2004/051353, which IS NOT a prior-filed different or OTHER application. In addition, benefit to the prior filed European application No. 03102478.9 is properly claimed in the Declaration in accordance with 35 U.S.C. §119. Accordingly, withdrawal of this requirement is respectfully requested.

In the Final Office Action, claims 1-2 and 4-8 are rejected

under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,293,400 (Monod) in view of WO 65/07521 (Thomas) and U.S. Patent No. 6,741,845 (Poletto). Further, claims 3 and 9 are rejected under 35 U.S.C. §103(a) as being unpatentable over Monod in view of Thomas, Poletto and U.S. Patent No. 6,766,141 (Briles). Claims 10-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Monod in view of Thomas, Poletto and U.S. Patent Application Publication No. 2003/0156370 (Yokoo). It is respectfully submitted that claims 1-14 are patentable over Monod, Thomas, Poletto, Briles and Yokoo for at least the following reasons.

As correctly noted on page 6 of the Final Office Action, Monod and Thomas do not disclose or suggest that a first modulation frequency, used for transmission from a first device to a second device, and a second modulation frequency, used for transmission from the second device to the first device, are an even factor apart. Poletto is cited in an attempt to remedy the deficiencies in Monod and Thomas.

Poletto is directed to a wave-shaper device that outputs a first periodic analog signal with a first frequency. The Poletto wave-shaper device includes an oscillator that provides a second

periodic analog signal with a second frequency which is multiple with an even factor of the first frequency. That is, as clearly shown in FIGs 2 and 3A the oscillator, which is part of the Poletto wave-shaper device, outputs the second frequency signal Vosc (FIG 3A), which is frequency divided by half to form an output signal Vout (FIG 3A) having the first frequency.

Not only are the noted Poletto signals, namely Vosc and Vout (FIG 3A) in a single device, namely the wave-shaper device, but also, these two signals Vosc and Vout are provided in the same direction, namely, toward the output of the wave-shaper device.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claim 7, amongst other patentable elements recites (illustrative emphasis provided):

a first modulating device for modulating a first data signal at a first modulation frequency,

a second modulating device for modulating a second data signal at a second modulation frequency,

second transmission means for transmitting the modulated first data signals from the first device to the second device over the inductive channel, and for transmitting the modulated second data signals from the second device to the

first device over the inductive channel,  
wherein the first modulation frequency and  
the second modulation frequency are an even  
factor apart.

Signals having frequencies that are an even factor apart and are in opposite directions between two devices are nowhere taught or suggested in Monod, Thomas, and combination thereof. At best, any such combination merely discloses devices where signals in one direction within a single device have frequencies that are an even factor apart.


Further, the two Poletto signals Vosc and Vout are not both data signal. Rather Vosc is merely an oscillator signal carrying no data or information, while only Vout may be a data signal, if at all. Briles and Yokoo are cited in rejecting dependent claims to allegedly show other features and does not remedy the deficiencies Monod, Thomas and Poletto.

Accordingly, it is respectfully submitted that independent claims 1 and 7 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-6 and 8-14 should also be allowed at least based on their dependence from independent claims 1 and 7.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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